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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,968	12/06/2001	Karl Jacob	4704P010X	7335
8791	7590	07/27/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			BHATIA, AJAY M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,968

Applicant(s)

JACOB ET AL.

Examiner

Ajay M. Bhatia

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/21/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 3-6, 9, 11, 13-16, 19, and 21-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 and 18-28 of U.S. Patent No. 6,636,590. Although the conflicting claims are not identical, they are not patentably distinct from each other because Voice is a more specific limitation than the term "audio form", in addition it is obvious that the selection is made from the list that is presented, see exemplarily claim 1 below as a example of the obviousness-type double patenting.

U.S. Patent 6,636,590	Patent Application 10/015,968
method comprising: receiving a voice request, via a voice-transmission medium, from a user seeking service providers from a wide array of fields of service;	method comprising: receiving one of more search criteria in an audio form, via an audio transmission medium, from a user, the one or more search criteria including a field of service desired by the user;
when the voice request includes a field of service desired by the user, providing the	searching a service provider database according to the one or more search

user with a list of one or more service providers stored in a service provider database which match the field of service desired by the user;	criteria to generate a list of one or more service providers presenting the list of one or more service providers in an audio form to the user
receiving a selection from the user for a selected service provider stored within the service provider database from a field of service desired by the user; and	determining a selection of the user for a selected service provider from the list of one or more service providers; and
connecting the user with the selected service provider for a live conversation via the voice transmission medium regarding the field of service.	connecting the user with the selected service provider for a live conversation via the audio transmission medium

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 11, 21-23, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Rothschild et al. (U.S. Patent Publication 2002/0003867 referred it as Rothschild).

For claim 1, Rothschild teaches, a method comprising:

receiving one or more search criteria in an audio form, via an audio transmission medium, from a user, the one or more search criteria including a field of service desire by the user;

searching a service provider database according to the one or more search criteria to generate a list of one or more service providers;
presenting the list of one or more service providers in an audio form to the user;
determining a selection of the user for a selected service provider from the list of one or more service providers; and
connecting the user with the selected service provider for a live conversation via the audio transmission medium. (see Rothschild, paragraph 12, 14-23 39, 40 and figure 1, service provider is a broadly construed as anyone who provides service)

Claim 11 list all the same elements of claim 1 but in product form rather than method form. Therefore, the supporting rationale of the rejection to claimed 1 applies equally as well to claim 11.

For claim 21, Rothschild teaches, an audio portal service provider system comprises:

- an interface to an audio transmission medium;
- an audio recognition engine to receive one or more search criteria in an audio form from a user, via the audio transmission medium, for a service provider; and
- a processor coupled to the audio recognition engine and the interface, the processor to search a service provider database according to the one or more search criteria to generate a list of one or more service providers for presentation to the user in an audio form, the processor to further determine a selection of the user for a selected provider from the list of one or more service providers via the audio recognition engine,

and the process to cause the interface to connect the user with the selected service provider for a live conversation via the audio transmission medium. (see Rothschild, paragraph 12, 14-23 39, 40 and figure 1)

For claim 22, Rothschild teaches the system of claim 21, further wherein:

the interface is coupled to the processor to provide the user with an audio list of available fields of service providers, accept a field of service desired by the user, provide the user with a list of one or more service providers stored in a service provider database which match the one or more search criteria and the field of service desired by the user, and receive a selection from the user for a selected provider. (see Rothschild, paragraph 12, 14-23 39, 40 and figure 1)

For claim 23, Rothschild teaches, the system of claim 21, the system of claim 21, further comprising:

a network interface coupled to the processor to receive a request from a service provider of a field of service for inclusion in the service provider database, and the processor to generate a record for storage in the service provider database, the record including provider information contained in the request. (see Rothschild, paragraph 12, 14-23 39, 40 and figure 1)

For claim 26, Rothschild teaches, the system of claim 21, wherein the interface comprises:

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a wireless communications network interface;
wherein at least one of the one or more search criteria is not selected from an option list. (see Rothschild, paragraph 12, 14-23 39, 40 and figure 1, location is not selected from an option list)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild in view of Alpdemir (U.S. Patent 6,658,389).

For claim 9, Rothschild fails to teach, the method of claim 1, wherein following the connecting the user with the selected service provider, the method further comprises:

once the live conversation between the user and the selected service provider is complete, prompting the user for a quality of service rating for services rendered by the service provider; and

recording the service rating provided by the user in the service provider database.

Alpdemir teaches, the method of claim 1, wherein following the connecting the user with the selected service provider, the method further comprises:

once the live conversation between the user and the selected service provider is complete, prompting the user for a quality of service rating for services rendered by the service provider; and

recording the service rating provided by the user in the service provider database. (see Alpdemir, Col. 11 line 60 to Col. 12 line 33, the claim limitations do not denote the time at which the prompting occurs just that it occurs after the live conversation is complete)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Rothschild with the method of Alpdemir because both disclose providing information about restaurants. (see Rothschild, paragraph 3) and (see Alpdemir, Col. 1 lines 24-45)

Claim 19 list all the same elements of claim 9 but in product form rather than method form. Therefore, the supporting rationale of the rejection to claimed 9 applies equally as well to claim 19.

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Claims 2, 7, 8, 10, 12, 17, 18, 20, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild in view of Shaffer et al. (U.S. Patent 5,901,214 referred to as Shaffer).

For claim 2, Rothschild teaches, the method of claim 1, wherein providing the user with an audio list of service providers further comprises:

when the audio request includes a voice request for a field of service desired by the user, converting the voice request into a database query language format utilizing interactive voice recognition software; (see Rothschild, paragraphs 42 thru 50)

Rothschild fails to teach, when the audio request from the user includes a keypad entry response from the user, converting a signal generated by the user's keypad entry into a database query language format in order to enable selection of service providers matching the field of service desired by the user from the service provider database; and

querying the service provider database according to the generated query of the field of service desired by the user in order to generate a list of one or more service providers matching the user's desired field of service.

when the audio request from the user includes a keypad entry response from the user, converting a signal generated by the user's keypad entry into a database query

language format in order to enable selection of service providers matching the field of service desired by the user from the service provider database; and

querying the service provider database according to the generated query of the field of service desired by the user in order to generate a list of one or more service providers matching the user's desired field of service. (see Shaffer, Col. 3 lines 3-15, Col. 20 line 59 to Col. 21 line 10)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Rothschild with the method of Shaffer because both systems make use of voice recognition systems. (see Shaffer, Col. 1 line 47 to Col. 2 line 6) and (see Rothschild, paragraph 5)

For claim 7, Rothschild-Shaffer teaches, the method of claim 1, wherein the audio request from the user is one of a voice request and a keypad entry response and includes one or more of a category of service providers, a service provider price, service provider availability, service provider specific expertise, service provider language and a service provider minimum quality rating. (see Shaffer, Col. 3 lines 3-15, Col. 20 line 59 to Col. 21 line 10) The same motivation that was utilized in the rejection of claim 2, applies equally as well to claim 7.

For claim 8, Rothschild-Shaffer teaches, the method of claim 1, further comprises:

providing the user with an audio list of a wide array of fields of service available from the audio portal service provider system; and

providing the user with a unique audio field of service code corresponding to each field of service within the audio list of fields of service, wherein an keypad entry of a field of service code is received via the audio transmission medium to select a desired field of service for the one or more search criteria; wherein at least one of the one or more search criteria is not a selection from an option list. (see Alpdemir, Col. 11 line 60 to Col. 12 line 33) and (see Shaffer, Col. 3 lines 3-15, Col. 20 line 59 to Col. 21 line 10) The same motivation that was utilized in the rejection of claim 2, applies equally as well to claim 8.

For claim 10, Rothschild-Shaffer teaches, the method of claim 1, wherein determining a selection from the user further comprises:

when the user audio request includes a voice request, converting the voice request into a database query language format using integrated voice recognition software to determine the service provider selected by the user;

when the user audio request includes a keypad entry response, converting a signal generated by the keypad entry response into a database query language format in order to determine the service provider selected by the user; and querying the service provider database according to the generated query to select the service provider desired by the user to enable connection between the user and the desired service provider. (see Shaffer, Col. 3 lines 3-15, Col. 20 line 59 to Col. 21 line

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10) The same motivation that was utilized in the rejection of claim 2, applies equally as well to claim 10.

Claims 12, 17, 18, and 20 list all the same elements of claims 2, 7, 8, and 10 but in medium form rather than method form. Therefore, the supporting rationale of the rejection to claims 2, 7, 8, and 10 applies equally as well to claims 12, 17, 18, and 20.

For claim 25, Rothschild-Shaffer teaches, the system of claim 21, wherein audio transmission medium further comprises:

a public switched telephone network interface to connect a user to the system.

(see Shaffer, Col. 3 lines 3-15) The same motivation that was utilized in the rejection of claim 25, applies equally as well to claim 25.

Claims 3-6 and 13-16, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothschild.

For claim 3, Rothschild teaches, the method of claim 1, further comprising:

receiving a request from a service provider of a field of service for inclusion in the service provider database; and

when the service provider is approved for inclusion in the service provider database, generating a record in the service provider database, the record including provider information contained in the request, wherein the provider information includes

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one or more of specific expertise of the service provider, (see Rothschild, paragraph 12, 14-23 39, 40 and figure 1)

Rothschild fails to teach, one or more languages spoken by the service provider.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to add a language spoken by the service provider to the method of Rothschild in order to better serve the customer, as it would be obvious that the service provider would speak the language of the area and would list additional languages if applicable.

For claim 4, Rothschild teaches, the method of claim 1, further comprising:

billing the user for the live conversation with the selected service provider; and compensating the selected service provider for the live conversation with the user. (see Rothschild, paragraph 29 thru 37)

It would be obvious of one of ordinary skill in the art at the time of the invention to allow charging of the user or any other person, since changes the bill to process.

For claim 5, Rothschild teaches, the method of claim 4, wherein the billing the user further comprises:

measuring a duration of the live conversation between the user and the selected service provider; and calculating a billing amount for the user based on the duration of the live conversation and a time-based price charged by the selected service provider. (see Rothschild,

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paragraph 29 thru 37) The same motivation that was utilized in the rejection of claim 4, applies equally as well to claim 5.

For claim 6, Rothschild teaches, the method of claim 4, wherein the billing the user further comprises:

calculating a billing amount for the user based on a flat fee charged by the service provider. (see Rothschild, paragraph 29 thru 37) The same motivation that was utilized in the rejection of claim 4, applies equally as well to claim 6.

Claims 13-16, 24 list all the same elements of claims 3-6, but in system and medium form rather than method form. Therefore, the supporting rationale of the rejection to claims 3-6 applies equally as well to claim 13-16, 34.

Response to Arguments

Applicant's arguments with respect to claim 1-20 have been considered but are moot in view of the new ground(s) of rejection.

In response to arguments addressing double patenting rejection, applicant has amended claims to require a new grounds of rejection, therefore also double patent rejection must also re-evaluated. Therefore an obviousness-type rejection is applied above.

All other arguments address claims that have recently been amended and therefore a new grounds of rejection was applied, therefore they are moot.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached UPSTO 892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. 2

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia M. Wallace can be reached on (571)-272-6159. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB



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SUPERVISORY PATENT EXAMINER